



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Chemicals, metals, mechanical, electrical and construction industries; Rail
Mechanical, Electrical and Telecom Equipment

Bilaga

ARBETSMILJÖVERKET	
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Brussels,
ENTR/G/4/AMR/rfD(2011)

To the EU Pilot Representative for Sweden

Dear Sir,

I wish to draw your attention to a complaint made to the Commission by Mr. Bernd Stümer concerning the application of Directive 2006/42/EC of 17 May 2006 on machinery (hereinafter the "Machinery Directive").

According to the complainant, the procedures for authorising the installation and operation of wind generators in Sweden make no reference to the Machinery Directive and conformity with the Machinery Directive is not required when authorisations are granted by the Swedish authorities. The complainant further alleges that the Swedish authorities in charge of implementation of the Machinery Directive, while acknowledging that the Machinery Directive is applicable to wind generators, have failed to carry out any market surveillance with respect to wind generators and that none of the wind generators installed in Sweden in fact comply with the Directive.

According to Article 4 of the Machinery Directive, Member States shall take all appropriate measures to ensure that machinery may be placed on the market and/or put into service only if it satisfies the relevant provisions of the Directive and does not endanger the health and safety of persons and, where appropriate, domestic animals or property, when properly installed and maintained and used for its intended purpose or under conditions which can reasonably be foreseen.

Furthermore, Article 16 of Regulation (EC) No 765/2008 of 9 July 2008, setting out the requirements for accreditation and market surveillance relating to the marketing of products, requires the Member States to organise and carry out market surveillance in order to ensure that products covered by Community harmonisation legislation which do not conform to the applicable requirements are withdrawn or their being made available on the market is prohibited or restricted and that the public, the Commission and the other Member States are informed accordingly.

I invite the Swedish authorities to comment on the above allegations and to provide my services with a reply within ten weeks from receipt of this letter.

Yours faithfully,

Luis Filipe Girão